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Paper No: 21
Appeal No: 2005-0029
Application: 09/635,956
Appellant: Timothy C. Loose

MAILED

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**U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

**Board of Patent Appeals and Interferences
Docketing Notice**

Application 09/635,956 was received from the Technology Center at the Board on September 23, 2004 and has been assigned Appeal No: 2005-0029.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: June 23, 2003
Reply Brief filed on: November 24, 2003
Request for Hearing filed on: NONE

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

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The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

Memorandum From: Corbett B. Coburn III, Patent Examiner



Memorandum To: The Board of Patent Appeals and Interferences, Attention, Craig R. Feinberg

Subject: Order Returning Undocketed Appeal to Examiner for Application 09/635,956

On 7 May 2004, The Board of Patent Appeals and Interferences returned this file to the Examiner stating that claims 23, 27, and 28 in the Appendix of the Appeal Brief did not correspond to the claims presented in Amendment A. In response to this correspondence, Examiner referred the Board to Amendment B (Paper # 8) and the Advisory Action (Paper # 9). Amendment B contained amendments to claims 23, 27 & 28 – the amendments that are reflected in Appendix A to the Appeal Brief. The Advisory Action states that for the purposes of appeal, the amendments will be entered. This being the case, when Appellant filed the Appeal Brief, Appellant was required to incorporate the amendments of Amendment B into Appendix A. Therefore, the Brief contains a correct listing of the claims on appeal.

If Examiner can be of further assistance, please feel free to contact him at (703) 305-3319.